

Notice of Allowability

Application No.

10/070,424

Examiner

Satya B Sastri

Applicant(s)

SUAU ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed Feb. 17, 2005.
 2. ☒ The allowed claim(s) is/are 1-8 and 31-34.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/17/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE

1. All previous rejections have been overcome by the amendment filed on February 17, 2005 and the rejections are withdrawn. *Claims 1-8, 31-34* are now pending in the application.
2. The drawings filed on 7/30/02 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Corwin Umbach on March 11, 2005.

The application specification has been amended as follows to insert section headings:

- On **page 1**, before line 4, insert "BACKGROUND OF THE INVENTION
FIELD OF THE INVENTION"

Art Unit: 1713

- On *page 1*, between lines 31 and 33, insert "DISCUSSION OF THE BACKGROUND"
- On *page 3*, before line 1, insert "SUMMARY OF THE INVENTION"
- On *page 3*, after line 31, insert "BRIEF DESCRIPTION OF THE DRAWINGS
Figure 1 shows a filter press".
- On *page 4*, before line 1, insert "DETAILED DESCRIPTION OF PREFERRED EMBODIMENTS"

Reasons For Allowance

4. *Claims 1-8 and 31-34* are allowed.

The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to McCallum, III et al. (US 5,866,664).

The instant claims relate to a method of making homopolymers or copolymers by polymerizing the monomers in the presence of phosphorous acid and/or its salts or sodium hypophosphite wherein neutralization of monomers occurs during polymerization by continuous addition of a monovalent base followed by addition of a divalent base.

The prior art to McCallum et al. discloses a process to efficiently utilize the chain transfer agent based on phosphorous acid or salts in the preparation of low molecular weight polycarboxylate polymers comprising employing in process neutralization of the carboxylic acid monomers. The prior art process comprises metering 75 to 100% by weight of the monomer into the polymerization reactor containing water and from 25 to 100 % by weight of the phosphorous

Art Unit: 1713

acids and salts thereof, and wherein an alkaline neutralizer is present during the polymerization in an amount sufficient to neutralize at least 30%, based on equivalents, of the acid group of unsaturated acids monomers.

The prior art, however, does not teach or suggest a process of making homopolymers and/or copolymers in the presence of phosphorous acid and/or its salt or sodium hypophosphite wherein the neutralization of the (co)polymer is by continuous addition of, first by an alkali base followed by addition of an alkaline base.

Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Future Correspondence

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the

Art Unit: 1713

organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SATYA SASTRI

March 14, 2005

TATYANA ZALUKAEVA
PRIMARY EXAMINER
